

REMARKS**OVERVIEW**

Claims 1-9 are pending in this application. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance therefore is respectfully requested.

ISSUES REGARDING DRAWINGS

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) because they fail to show a riser (11a) and insulating header (2) as described in the Specification. A proposed drawing correction is enclosed herewith. In the enclosed drawing correction, reference numerals have been added for the riser (11a) and the insulating header (2). It is respectfully submitted that the proposed drawing correction remedies the Examiner's objection.

The drawings also have been objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they include a reference sign 13 that is not mentioned in the description. The Applicant has included a proposed drawing correction where the reference sign 13 is removed. It is respectfully submitted that the corrected drawing as proposed would remedy this objection.

ISSUES REGARDING SPECIFICATION

The Abstract of the Disclosure is not on a separate sheet and therefore not in accordance with 37 C.F.R. § 152(b)(4). Therefore, the Applicant has provided a new Abstract that is presented on a separate sheet. Also, the Applicant has amended the abstract, adding what is now the last sentence of the Abstract. Support for this addition is found at least in original claim 1. Therefore, it is respectfully submitted that any issues with the Abstract have been resolved.

ISSUES REGARDING CLAIM REJECTIONS

The Examiner has objected to claim 4 because claim 4 did not refer back to a previous claim. Therefore, claim 4 has been amended consistent with the Examiner's suggestion. Therefore, it is respectfully submitted that this objection should be withdrawn.

ISSUES UNDER 35 U.S.C. § 112

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner indicated that in claim 1, lines 11-12, "the Applicant should clarify the arrangement intended by the non-conductive gasket being between the electrolyte and the header surrounding a portion of the anode not in contact with electrolyte" (Office Action, page 3, numbered paragraph 7). To clarify, the Applicant has amended claim 1 in insert a comma and then "the non-conductive gasket". It is respectfully submitted that this additional language makes clear that the non-conductive gasket surrounds the portion of the anode which is not in contact with the electrolyte. Therefore, it is respectfully submitted that this clarification makes clear that it is the non-conductive gasket that surrounds the anode. This is clear from Figure 1 as well. Therefore, it is respectfully submitted that this rejection should be withdrawn.

ISSUES UNDER 35 U.S.C. § 103

Claims 1-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,777,840 to Oney in view of U.S. Patent No. 4,523,255 to Rogers. The Examiner

recognizes that Oney does not disclose a layer of tantalum carbide on an inner surface of the case or a layer of activated carbon between the layer of tantalum carbide and the electrolyte. The Examiner is correct. The Examiner relies upon Rogers to disclose a layer of tantalum carbide and a layer of finely-divided carbon on the carbide layer. The Examiner indicates that the motivation or suggestion to combine is that Oney would be modified to add a layer of tantalum carbide and a layer of finely-divided carbon in order to provide good electrical contact. The Applicant respectfully traverses this rejection.

Oney uses a tantalum shell 18 within the tantalum case 12. The dielectric of Oney is a tantalum pentoxide film formed on both a shell 18 and a slug 22. Therefore, in Oney, the dielectric is formed on both sides of the electrolyte 32. Claim 1, on the other hand, requires "a dielectric layer on the anode" (note there is no slug) and by having "a layer of tantalum carbide on an inner surface of the case" claim 1 would exclude there being a dielectric layer on the case. It would make no sense to one skilled in the art to add the tantalum carbide to the tantalum in Oney because then an oxide would not be formed and Oney specifically teaches forming a tantalum pentoxide film on the inside of the can as a part of the dielectric (column 2, lines 9-13). Without this anodization of the tantalum electrode shell and the electrode slug during which the pentoxide film is formed in both places, the capacitor of Oney would no longer work for its intended purpose as a non-polar tantalum electrolytic capacitor. Therefore, the Application respectfully submits that there is no proper motivation or suggestion to combine Rogers with Oney in the manner proposed by the Examiner. Therefore this rejection must be withdrawn. As claims 2-4 depend from claim 1, the Applicant respectfully submits that these rejections should also be withdrawn. With respect to claims 5-9, all these claims require "an anode", "a dielectric layer on the anode" and "an interface carbide layer on an inner surface of the case formed by

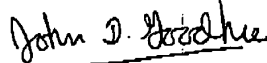
heating graphite in contact with the case to an elevated temperature in the substantial absence of oxygen." Due to the presence of a dielectric layer on the anode and an interface carbide layer on the inner surface of the case, the Applicant submits that any combination of Oney with Rogers is improper for the reasons provided above. In particular, such a combination would make Oney inoperable for its intended purpose and therefore there can be no proper motivation or suggestion to combine.

CONCLUSION

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for one month from March 24, 2004 to April 24, 2004. Applicant is a large entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$110.00 for one month to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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